

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 9, 12-15, 31-32 and 38 are presently active in this case, Claims 1-8 and 16-30 canceled by way of the present Amendment.

In the outstanding Office Action, Claims 9, 10 and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication 2005/0150866 to O'Donnell et al. in view of U.S. Patent Publication 2003/0113479 to Fakuda et al. and U.S. Patent No. 5,948,521 to Diugosch et al.; Claim 12 was rejected under 35 U.S.C. § 103(a) as being unpatentable over O'Donnell et al., Fakuda et al. and Diugosch et al., and further in view of U.S. Patent No. 4,357,387 to George et al.; Claim 13 was rejected under 35 U.S.C. § 103(a) as being unpatentable over O'Donnell et al., Bradley et al., and U.S. Patent No. 6,120,955 to Tokutake et al., and further in view of Fakuda et al. Claim 14 is rejected under 35 U.S.C. § 103(a) as being unpatentable over O'Donnell et al., Bradley et al. and Tokutake et al., and further in view of U.S. Patent No. 5,925,228 to Panitz et al.; Claims 31 and 38 were rejected under 35 U.S.C. § 103(a) as being unpatentable over O'Donnell et al., Bradley et al., and Tokutake et al.; and Claim 32 was rejected under 35 U.S.C. § 103(a) as being unpatentable over O'Donnell et al., Bradley et al. and Tokutake et al., and further in view of U.S. Patent No. 5,892,278 to Horita et al.; and Claims 9-14 were provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over Claims 5 and 17-22 of copending patent application 10/773,245 to Sasaki et al.

Applicants first note that two IDSs have been filed since issuance of the Office Action on August 17, 2006. Specifically, Applicants filed an IDS on October 11, 2006 and November 17, 2006. Applicants respectfully request that the Examiner consider these IDSs on conjunction with future Official Action in this case.

Regarding the provisional rejection on the ground of nonstatutory obviousness-type double patenting, since this rejection is a provisional one, applicants do not wish to traverse the double patenting rejection at this time. Instead, Applicants plan to traverse such rejection during prosecution of the 10/773,245 application that served as the basis for double patenting.

Turning now to the merits, Applicants respectfully traverse the rejections of Claims 9, 10, 15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over O'Donnell et al. (U.S. Patent Publication No. 2005/0150866) in view of Fakuda et al. (U.S. Patent Publication No. 2003/0113479) and Diugosch et al. (U.S. Patent No. 5,948,521).

Applicants first note that it is settled law that to establish a *prima facie* case of obviousness, three basic criteria first must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine the references teachings. Second, there must be a reasonable expectation of success. Finally, the prior art references (or references when combined) must teach or suggest all the claim limitations.

The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in Applicants' disclosure.

In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). Section 2143.03 states that all claim limitations must be taught or suggested by The prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a Claim must be considered in judging the patentability of that claim against the prior art." In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious. In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1998).

By way of review, the present invention, as defined in Claim 9, is directed to an internal member of a plasma processing vessel including a film layer on a base material. The film layer has a main layer and a barrier coat layer. The barrier coat layer is formed between the main layer and the base material. Therefore, the main layer serves as a top coat layer, and

the barrier coat layer serves as an intermediate coat layer. At least parts of pores inside the intermediate coat layer, which is the barrier coat layer, are sealed by a resin to prevent a processing gas and a cleaning fluid from permeating into space between the base material and the main layer, to thereby suppress corrosions generated in the space.

O'Donnell et al. discloses that a multilayer coating formed on a reaction component 70 (for example, a focus ring) includes a thermally sprayed yttria-containing coating 100 (which serves as a top coat layer) and several intermediate coatings 80 and 90 (which serve as an intermediate coat layer). As the Examiner pointed out in page 3, lines 19-20 of the Office Action, O'Donnell et al. does not teach that at least parts of pores inside the intermediate coatings 80 and 90 are sealed by a resin. That is, O'Donnell et al. is totally silent in that an intermediate coat layer is sealed by resin.

Fakuda et al. is directed to an atmospheric plasma treatment apparatus. Fakuda et al. discloses an internal member 3a having a thermally sprayed ceramic 4a (which serves as a top coat layer) thereon. In addition, Fakuda et al. discloses that a sealing treatment is carried out on the top coat layer (the thermally sprayed ceramic 4a), not an intermediate layer. In fact, Fakuda et al. is totally silent with respect to an intermediate layer and therefore is also silent with respect to a sealing treatment to the intermediate layer.

Diugosch et al. discloses a thermally conductive, electrically insulating connection including a thermally sprayed ceramic (KS layer, which corresponds to the top coat layer of the present invention) on a cooling body (KK, which corresponds to the base material of the present invention). The thermally sprayed ceramic sealed with a thermally conductive adhesive layer (K layer) made of an epoxy resin. In other words, although Diugosch et al. discloses that the top coat layer is sealed by a resin, Diugosch et al. is also completely silent in that the intermediate layer is sealed.

Accordingly, the cited references do not disclose that at least parts of pores in the intermediate layer are sealed. As a result, the combination of O'Donnell et al., Fakuda et al. and Diugosch et al. cannot render the invention of Claim 9 obvious.

Applicants also traverse the rejection of Claims 31, 38 as being unpatentable over O'Donnell et al. (U.S. Patent Publication No. 2005/0150866) in view of Bradley et al. (U.S. Patent No. 4,310,390) and Tokutake et al. (U.S. Patent No. 6,120,955).

The present invention, as defined in Claim 31, is directed to an internal member of a plasma processing vessel including a film layer on a base material. An anodic oxidized film is formed between the base material and the film layer. In addition, at least parts of pores inside the anodic oxidized film are sealed by a resin selected from the group consisting of SI, PTFE, PI, PAI, PEI, PBI and PFA.

Tokutake et al. merely discloses a photosensitive member on which a photo receptor substrate is formed. The photoreceptor substrate includes an anodized layer (which corresponds to the anodic oxidized film of Claim 31) formed on the surface of an aluminum or aluminum alloy base (which corresponds to the base material of Claim 31). The anodized layer is sealed by immersing an anodized layer in a treating liquid, which contains a sealing agent such as nickel fluoride, a metallic salt, nickel acetate, cobalt acetate, lead acetate, nickel-cobalt acetate, or barium acetate, at a predetermined temperature (see col. 4, lines 8-14, and col. 4, line 66 to col. 5, line 6). The sealing agent is not resins. On the other hand, Tokutake et al. discloses that materials such as nylon, polyimide, polyamide, nitrocellulose poly, polyimide and polyamide resins (which are used as a sealing agent in the present invention) are formed as a separate layer on the anodized layer after the sealing treatments (see col. 6, lines 59-67).

The Examiner asserts that Tokutake et al. teaches that since the anodized layer has a porous portion, the same is sealed using polyimide resin. However, as stated above,

Tokutake et al. discloses that the anodized layer is sealed not by resins such as polyimide but by immersing them in a treating liquid. That is, Tokutake et al. is totally silent in that the anodized layer is sealed by resins selected from the group consisting of SI, PTFE, PI, PAI, PEI, PBI and PFA. Although Tokutake et al. mentions polyimide resins, the polyimide resins of Tokutake et al. constitute a separate layer (which is the intermediate layer) between the aluminum base and the anodized layer, and are not used as a sealing agent. Accordingly, Tokutake et al. does not disclose that at least parts of pores inside the anodic oxidized film are sealed by a resin selected from the group consisting of SI, PTFE, PI, PAI, PEI, PBI and PFA.

Further, since the anodic oxide layer of Claim 31 is formed between the base material and the film layer, the anodic oxide layer is an intermediate layer. As discussed above with respect to Claim 9, the cited references are totally silent in that at least parts of pores in an intermediate layer are sealed. As a result, the combination of O'Donnell et al., Bradley et al. and Tokutake et al. cannot render the present invention obvious.

It is also believed that Claims 10, 12 and 15, directly depending on Claim 9, Claims 13, 14, 32 and 38, directly depending on Claim 31, are allowable for the same reasons indicated with respect to Claims 9 and 31, respectively, and further because of the additional features recited therein which, when taken alone and/or in combination with the features recited in Claim 9 and/or 31, remove the invention defined therein further from the disclosures made in the cited references.

Applicants believe that this is a full and complete response to the Office Action. For the reasons discussed above, applicants now respectfully submit that all of the pending claims are in complete condition for allowance. Accordingly, it is respectfully requested that the Examiner's rejections be withdrawn; and that the pending claims be allowed in their present

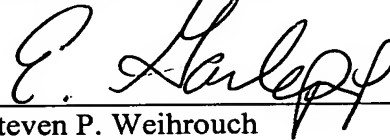
form. If the Examiner feels that any issues that remain require discussions, he is kindly invited to contact Applicants' undersigned attorney to resolve the issues.

Should the Examiner require or consider it advisable that the specification, claims an/or drawings be further amended or corrected in formal respects, in order to place the case in condition for final allowance, then it is respectfully requested that the Examiner contact the undersigned to discuss whether such amendment or correction may be carried out by Examiner's Amendment and the case be passed to issue.

Further, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

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